

JUL 28 2022

RESOLUTION NO. 22-61

MARK CHURCH, Chief Elections Officer
By: [REDACTED] DEPUTY CLERK
OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
SUBMITTING TO THE QUALIFIED MILLBRAE VOTERS
A MEASURE RELATING TO INCREASING THE TRANSIENT OCCUPANCY TAX
BY 2% AND REQUESTING THE COUNTY CLERK INCLUDE THIS MEASURE IN
THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022**

WHEREAS, the City of Millbrae's (City) Transient Occupancy Tax (TOT), charged to guests staying at hotels and short-term rentals located in the City, has not been updated since 2010; and

WHEREAS, the TOT rates of most other cities in San Mateo County currently range from 13% to 15%, while the City's TOT rate remains at 12%; and

WHEREAS, for Fiscal Year 2022-2023, the City's General Fund has a \$2 million structural deficit, which impacts the City's ability to address service priorities identified by local Millbrae residents, such as: repairing potholes and maintaining residential and major city streets; neighborhood and downtown police patrols; storm drains to prevent flooding, city parks and recreation facilities; and, enhancing services to reduce homelessness at the BART station and downtown, including funding two additional deputies per shift to cover neighborhood and downtown patrols; and

WHEREAS, if approved by voters, this measure increasing the City's TOT by 2%, from 12% to 14%, would generate approximately \$1.5 million annually in locally controlled funds, which cannot be taken by Sacramento, to address local service needs; and

WHEREAS, additional local funds can help ensure Millbrae can continue to make its neighborhoods safe from crime and fire, making our community a place where young families want to live and put down roots; and

WHEREAS, this measure would ensure that visitors staying in Millbrae hotels pay their fair share for local city services and the burden does not fall entirely on homeowners; and

WHEREAS, increasing the City's TOT by 2%, from 12% to 14%, would be consistent with TOT rates in the surrounding area; and

WHEREAS, pursuant to Resolution No. 22-47 of the City Council, the County of San Mateo will be conducting a General Municipal Election on November 8, 2022, for the purpose of electing two Councilmembers, one each from Council Districts Two and Four; and

WHEREAS, for the reasons stated above, the City Council desires to submit to the voters at the November 8, 2022, General Municipal Election a measure to increase the City's TOT by 2%; and

WHEREAS, the City Council is authorized by statute to submit this measure to the voters; and

WHEREAS, the City Council desires to request the County Clerk of the County of San Mateo to include the proposed measure increasing TOT by 2% with the Councilmember election scheduled for the General Municipal Election to be conducted on November 8, 2022;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Millbrae as follows:

1. The measure set out in Section 2 below is hereby submitted to the qualified voters of the City of Millbrae in conjunction with the General Municipal Election scheduled for Tuesday, November 8, 2022 for the purpose of amending Section 3.30.030 of the

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Millbrae Municipal Code to increase the Transient Occupancy Tax from the existing rate of 12% to 14%.

2. The manner in which the measure to amend Section 3.30.030 of the Millbrae Municipal Code to increase the Transient Occupancy Tax by 2%, from the existing rate of 12% to 14%, shall be submitted to the electorate on November 8, 2022 is as follows:

"To continue funding, for the City of Millbrae only, that cannot be taken by Sacramento, for general city services such as: repairing potholes/streets; maintaining neighborhood/downtown police patrols; improving recreation programs/parks; attracting new businesses; and enhancing disaster response; shall a measure increasing by 2% the City of Millbrae's existing transient occupancy tax charged to hotel and lodging guests until ended by voters, providing an additional \$1,500,000 annually, with citizens' oversight, independent audits, be adopted?"	Yes	
	No	

3. The complete text of the Millbrae Municipal Code provision proposed to be amended is as follows:

"Section 3.30.030. TAX IMPOSED. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of fourteen percent of the rent charged by the operator, commencing on January 1, 2023."

4. Pursuant to applicable law, the City Council requests the County Clerk of the County of San Mateo to include the measure set forth in Section 2 in the General Municipal Election scheduled for November 8, 2022 and to consolidate said measure with the Councilmember election to be held on said date. The election shall be held and conducted, the returns canvassed, and the results declared in the manner as provided by law for General Municipal Elections. The ballots to be used in the election shall be in the form and content as required by law.

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5. The Millbrae City Clerk is hereby directed to forward a certified copy of this resolution to the County Clerk of the County of San Mateo together with such other documents as may be required to give effect to and carry out the purposes of this resolution.
6. The City Council directs that arguments for and against the measure be filed in accordance with applicable law, and that neither the City Council as a body or any individual member of the City Council is directed to file a written argument or any rebuttal argument for or against the measure.

REGULARLY PASSED AND ADOPTED this 26th day of July, 2022.

Mayor

ATTEST:

City Clerk

7/28/2022

CERTIFIED COPY

Resolution No. 22-61

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 26th day of July 2022, by the following vote:

AYES:	COUNCILMEMBERS:	Oliva, Papan, Fung, Holober, Schneider
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


7/28/2022
CITY CLERK

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 7/28/2022



City Clerk of the City of Millbrae

Full Text Start

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COPY**

ORDINANCE NO. 797

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**AN ORDINANCE OF THE CITY OF MILLBRAE AMENDING SECTION 3.30.030 OF
THE MILLBRAE MUNICIPAL CODE TO INCREASE THE UNIFORM TRANSIENT
OCCUPANCY TAX**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILLBRAE AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE

The first sentence of Section 3.30.030, entitled "Tax Imposed," of the Millbrae Municipal Code is hereby amended so that it reads as follows:

"For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of fourteen percent of the rent charged by the operator, commencing on January 1, 2023."

**SECTION 2. APPROVAL AT GENERAL MUNICIPAL ELECTION; EFFECTIVE
DATE; PUBLICATION**

This ordinance shall be in full force and effect on January 1, 2023, provided that the 2% increase in the transient occupancy tax as prescribed herein is approved by a majority vote of the Millbrae electorate at the General Municipal Election scheduled for November 8, 2022. Within fifteen (15) days after its adoption, this ordinance shall be published once in a newspaper of general circulation printed and published in the County of San Mateo and circulated in the City of Millbrae. ✓

INTRODUCED at a regular meeting of the Millbrae City Council held on July 12, 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on July 26, 2022, by the following roll call vote:

Mayor

ATTEST:

7/28/2022
City Clerk

CERTIFIED COPY

Ordinance No. 797

I do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Millbrae this 26th day of July 2022, by the following vote:

AYES:	COUNCILMEMBERS:	Oliva, Papan, Fung, Holober, Schneider
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


7/28/2022
CITY CLERK

FULL TEXT
ENDS

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 7/28/2022


City Clerk of the City of Millbrae